

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Adrian Lamanz Whack**

**Docket No. 5:03-CR-328-2FL**

**Petition for Action on Supervised Release**

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Adrian Lamanz Whack, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge on May 20, 2004, to the custody of the Bureau of Prisons for a term of 175 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On March 26, 2012, upon a motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), the defendant's previously imposed sentence of imprisonment of 175 months was reduced to 140 months.

Adrian Lamanz Whack was released from custody on January 17, 2014, at which time the term of supervised release commenced.

On January 16, 2015, a Violation Report was submitted to the court, advising of marijuana use by the defendant that was detected during a random drug screen on December 15, 2014. The defendant's frequency of drug testing was increased, no punitive sanction was imposed, and supervision continued.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On December 19, 2015, the defendant was arrested and charged with Driving While Impaired in Johnston County, North Carolina. The defendant reported his arrest immediately. When asked about the circumstances leading to his arrest, the defendant stated he was at a party at his grandmother's house and had consumed alcohol. He left the party to go home and was stopped by the local police a short distance from his grandmother's home. The defendant has accepted responsibility for his actions, and he was referred for an alcohol assessment at a local treatment agency so he can attempt to have his driving privileges restored. Mr. Whack is gainfully employed, has gotten remarried, and resides with his wife and children. Rather than return to court for revocation proceedings, it is recommended the defendant complete 24 hours of community service work as a punitive sanction for his noncompliance. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Michael C. Brittain

Michael C. Brittain  
Senior U.S. Probation Officer

/s/ Scott Plaster

Scott Plaster  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8808  
Executed On: January 5, 2016

**ORDER OF THE COURT**

Considered and ordered this 5th day of January, 2016 and ordered filed and  
made a part of the records in the above case.



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Louise W. Flanagan  
U.S. District Judge